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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,884	05/21/2002	Chien-Fa Wang	VIAP0035USA	2358

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NORTH AMERICA INTERNATIONAL PATENT OFFICE (NAIPC)
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER

NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,884

Applicant(s)

WANG, CHIEN-FA

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to communications filed on May 21, 2002.

Claims 1-14 are pending in the case.

Receipt is acknowledged of documents submitted under 35 U.S.C. 119(a)-(d).

Accordingly the effective date of the subject matter of the claims in this application is determined to be September 21, 2001.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 7-8, 10-11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Gonno (US 6,404,739).

As shown in Figures 1-9, Gonno discloses a method for transferring a program (data) via a network comprising a server (1, 101) and a plurality of terminals (3₁-3₅, 103-107) connected to the server (col. 1: lines 40-55, and col. 5: lines 47-63), the terminals being capable of requesting the server to transfer the program (col. 5: lines 48-51), the server responding to the request of the

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terminals by broadcasting the program to the terminals (col. 5: line 61 – col. 6: line 5), the method comprising:

using a terminal (retransmission-request receiver) to request the server (transmitter) to re-transfer the program (by sending retransmission request signals NAK) when the terminal receives only a portion of the program (when not successfully receive data) requested by another terminal instead of receiving the complete program during a timeout period (during a predetermined time), (col. 2: lines 15-38, and col. 7: line 15 – col. 10: line 33, esp. col. 9: lines 6-39).

Regarding claims 3 and 10, Gonno also disclose when the server receives the request of the terminal, the server enables a thread to broadcast the program (col. 6: lines 33-38, and col. 9: lines 29-39).

Regarding claims 4 and 11, Gonno also disclose dividing the program into a plurality of data packets, the server transferring the program using the data packets (col. 8: lines 59-64).

Regarding claims 7 and 14, Gonno also discloses the terminals (103, 107) are information appliances (computers), (col. 1: lines 43-45).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2, 5, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonno as applied to claims 1 and 8 above, in view of Metz et al (US 5,666,293), hereinafter Metz.

Regarding claims 2 and 9, Gonno discloses substantially all the claimed limitations, except the program is an operating system for the terminals.

As shown in Figures 1-9, Metz discloses downloading operating system software through a broadcast channel (abstract).

Gonno and Metz teach analogous arts, both relating to a system and method for transmitting or downloading data via a broadcasting link. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Metz' method of downloading an operating system software via a broadcast channel in Gonno's system, motivated by the needs of efficiently distributing data to a plurality of users, i.e., reducing storage space required for storing operating system software at each of the plurality of users.

Regarding claims 5 and 12, Gonno discloses substantially all the claimed limitations, except each of the data packets has the same size.

Metz also discloses each of the data packets has the same size (i.e., ATM cell), (col. 12: lines 54-66).

Gonno and Metz teach analogous arts, both relating to a system and method for transmitting or downloading data via a broadcasting link. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Metz' method of using same sized data packets in Gonno's system, motivated by the desire to efficiently

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transmitting data over a network, i.e., savings bandwidth by sending ATM cells only when needed, not because a transmission time slot happened to be available.

6. Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonno as applied to claims 1 and 8 above, in view of Tran (US 5,453,987).

Gonno discloses substantially all the claimed limitations, except the server broadcast the data packets sequentially in a fixed time interval.

As shown in Figures 4, Tran discloses the server broadcasts the data packets sequentially in a fixed time intervals (col. 3: lines 58-67).

Gonno and Tran teach analogous arts, both relating to a system and method for transmitting data on a broadcast communication channel. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to Tran's method of broadcasting data packets sequentially in a fixed time interval, in order to conforming to the TDM protocol and increasing the throughput of the data communication system.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen
Examiner
Art Unit 2151

vkn


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER